REMARKS

The specification has been amended on page 8 to correct a typographical error.

Applicant believes that the above change answers the Examiner's objection to the disclosure, and respectfully requests withdrawal thereof.

The claims have been amended to more clearly define the invention as disclosed in the written description. In particular, claim 6 has been cancelled, while claim 1 has been amended to include the limitations of cancelled claim 6. In addition, claims 7-9 have been made dependent on claim 1.

The Examiner has rejected claim 14 under 35 U.S.C. 112, paragraph 1, as failing to comply with the enablement requirement, in that "The Claim refers to an "invalid encryption." "Invalid encryption" is not supported by the specification, and it is further unclear as to what an "invalid encryption" is."

Applicant submits that the Examiner is mistaken. In particular, the term "invalid encryption" appears and is described in the specification on page 10, line 19 to page 11, line 1, which states:

> "Preferably, the filler insertion and/or amplitude modulation are best implemented by merging system 31 when two recorded fragments are merged together. Moreover, in the secure domain, the recorded fragments are preferably encrypted in such a way that any efforts at contiguously attaching fragments results in an invalid encryption. Such encryption techniques, which

result in an invalid cipher-text if encrypted fragments are concatenated, are well known in the art."

Applicant therefore respectfully requests that the Examiner's 35 U.S.C. 112, paragraph 1, rejection of claim 14 be withdrawn.

The Examiner has rejected claims 13, 18 and 20 under 35 U.S.C. 102(e) as being anticipated by International Patent Application No. WO 01/67767 A2 to Van Den Boogaard. The Examiner has further rejected claims 1-5 and 10-12 under 35 U.S.C. 103(a) as being unpatentable over International Patent Application No. WO 99/57723 to Wijnen in view of International Patent Application No. WO 00/75925 A1 to Serret-Avila. In addition, the Examiner has rejected claims 4-8 (and arguably claim 9) under 35 U.S.C. 103(a) as being unpatentable over Wijnen in view of Serret-Avila, and further in view of Van Den Boogaard. Moreover, the Examiner has rejected claim 7 under 35 U.S.C. 103(a) as being unpatentable over Wijnen, Serret-Avila and Van Den Boogaard, and further in view of U.S. Patent 6,580,694 to Baker. Additionally, the Examiner has rejected claims 14 and 15 under 35 U.S.C. 103(a) as being unpatentable over Van Den Boogaard, in view of U.S. Patent 6,363,488 to Ginter et al. Furthermore, the Examiner has rejected claims 16 and 17 under 35 U.S.C. 103(a) as being unpatentable over Van Den Boogaard and Ginter et al., and further in view of Serret-Avila. Moreover, the Examiner has rejected claim 19 under 35 U.S.C. 103(a) as being unpatentable over Van Den Boogaard in view of

Wijnen. In addition, the Examiner has rejected claims 20-22 under 35 U.S.C. 103(a) as being unpatentable over Van Den Boogard in view of Serret-Avila. The Examiner has further rejected claim 23 under 35 U.S.C. 103(a) as being unpatentable over Van Den Boogaard and Serret-Avila, and further in view of Wijnen. Finally, the Examiner has rejected claim 24 under 35 U.S.C. 103(a) as being unpatentable over Van Den Boogaard and Serret-Avila, and further in view of Ginter et al.

In view of the amending of claim 1, Applicant believes that the Examiner's 35 U.S.C. 103(a) rejection 1-5 and 10-12 has been overcome.

Applicant submits that Van Den Boogaard is an improper reference in that the publication date thereof, to wit September 13, 2001, and, in fact, the International Filing Date thereof, to wit February 28, 2001, fall **after** the filing date of the subject application.

Applicant further acknowledges the Examiner's statement:

> "The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e))."; and the citation of the appropriate paragraph of 35 U.S.C. 102(e), stating:

> "(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent."

However, Applicant submits that these citations are irrelevant in the present case in that the cited reference is not "a patent granted on an application for patent by another filed in the United States….", but rather is an International Patent Application. Further, even if one were to look to the corresponding U.S. Patent publication 2003/0033325, the 371(c) date of this publication is August 28, 2002, well after the filing date of the subject application.

In view of the above, Applicant submits that all of the rejections based on Van Den Boogaard must fall.

Applicant therefore believes that this application, containing claims 1-5 and 7-24, is now in condition for allowance and such action is respectfully requested.

Respectfully submitted,

by _____
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By Burnett James